

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

(1) EDWARD WASHINGTON,) JUL 13 2022
V. Plaintiff,) Mark C. McCartt, Clerk
) U.S. DISTRICT COURT
) Case No.
(1) WAL-MART STORE, INC., d/b/d) 22 CV - 302 GKF • SH
 WALMART #324)
 Defendant)
) JURY TRIAL DEMANDED

PETITION FOR RELIEF

COMES NOW The Plaintiff Edward Washington by and through his own counsel *PRO SE* and for his Petition for Relief against the Defendant Wal-Mart Store, Inc., d/b/a Walmart #324, Plaintiff offers the following:

History of case

This Petition was originally filed in The District Court In And For Creek County State Of Oklahoma, under **Case No: CJ-2020-186.**

The Defendant Filed a Notice Of Removal to The United States District Court For The Northern District Of Oklahoma under **Case No: 20-cv00494-JED-FHM.**

The Case was Dismissed Without Prejudice.

JURISDICTION, PARTIES & VENUE

- 1. At all times relevant to the claims herein, Plaintiff Edward Washington resides in Creek County, State of Oklahoma.**
- 2. Upon information and belief, Defendant Wal-Mart Store, Inc., d/b/a Walmart #324 (hereafter referred to as "Walmart"), is a foreign for-profit business corporation registered and doing business in the State of Oklahoma, and may be served with process through its registered agent, The Corporation Company, at 1833 S. Morgan Road, Oklahoma City, Oklahoma 73128.**
- 3. The incident upon which this litigation is based occurred in Creek County, State of Oklahoma.**
- 4. Jurisdiction is proper in the State of Oklahoma District Court since the amount in controversy exceeds seventy-five thousand dollars (\$75,000) and the parties are all residents of the State of Oklahoma.**
- 5. Venue is proper in the Creek District Court pursuant to Okla. Stat. Tit. 12 § 141 which sets venue "[i]n any county of Oklahoma where service of summons can be obtained upon one or more of the defendants" and/or "[i]n any county where the damages or a part thereof were sustained.**

STATEMENT of OPERATIVE FACTS

- 6. Plaintiff incorporates the above paragraphs as though stated below verbatim.**
- 7. On or about September 10, 2018, Mr. Washington slipped on an egg yolk causing him to fall to the ground on Defendant's premises.**
- 8. As a direct and proximate result of Defendant's conduct, Mr. Washington sustained significant personal injuries requiring medical treatment.**

FIRST CLAIM FOR RELIEF: PREMISES LIABILITY

9. Plaintiff incorporates the above paragraphs as though stated below verbatim.
10. Defendant owed a duty to Mr. Washington, an invitee, to use ordinary care to keep its premises in a reasonably safe condition for the use of invitees.
11. On or about September 10, 2018, Defendant failed to exercise ordinary care to keep its premises in a reasonably safe condition for the use of invitees.
12. Defendant breached its duty by allowing the floor to remain in an unreasonably slippery condition that was hidden and failing to warn Mr. Washington of the same. Defendant knew, or should have known, about the dangerous conditions of the floor.
13. As a direct and proximate result of Defendant's breach of duty, Mr. Washington suffered serious personal injuries, other personal and financial damages, pain and suffering, and/or loss of employment of life, all in an amount in excess of seventy-five thousand dollars (\$75,000.00).

SECOND CLAIM FOR RELIEF: NEGLIGENCE

14. Plaintiff incorporates the above paragraphs as though stated below verbatim.
15. Defendant owed a duty to Mr. Washington to use ordinary care to keep its premises in a reasonably safe condition.
16. On or about September 10, 2018, Defendant breached its duty by allowing the floor to remain in an unreasonably slippery condition.
17. As a direct and proximate result of Defendants' breach of duty, Mr. Washington suffered serious personal injuries, other personal and financial damages, pain and suffering, and/or loss of enjoyment of life, all in an amount in excess of seventy-five dollars (\$75,000.00).

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully request this Court enter judgment against Defendant and for an award of compensatory damages in an amount in excess of seventy-five thousand dollars (\$75,000.00) for diversity jurisdiction pursuant to 28 U.S.C.A. § 1332. Plaintiff further requests this Court grant Plaintiff any and all pre-judgment and post-judgment interest on any award of judgment at the current statutorily allowed rate until paid and punitive damages. Finally, Plaintiff requests this Court grant his expenses and attorneys' fees properly related to this action, along with all other relief this Court deems just and proper.

CERTIFICATE OF SERVICE

I Edward Washington certify that on this 13 day of July 2022 a true copy of the forgoing notice was serviced by Certified U.S. Mail with postage duly prepaid upon the Defendants Registered Agent.

Registered Agent:

The Corporation Company

1833 S. Morgan Road

Oklahoma City Ok, 73128

Respectfully Submitted



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